BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015080848
PARENT ON BEHALF OF STUDENT , v. SAN DIEGO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015060967 ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER PARTIALLY GRANTING STUDENT'S MOTIONS TO QUASH SUBPEONAS DUCES TECUM

On October 6, 2015, the undersigned administrative law judge issued an order, as part of the Order Following Prehearing Conference, granting in part Student's motion to quash subpoena duces tecum served on The Institute for Effective Education (Institute), San Dieguito Union High School District, and Del Mar Union School District. The order quashed all document production except documents relating to assessments, testing protocols, progress reports, or settlement agreements.

On October 7, 2015, District filed a motion for reconsideration as to the order partially granting Student's motions to quash. District is seeking to have OAH amend its order to permit the production of documents relating to the residency of Student.

The October 6, 2015 order found that the document request was overly broad and vague. The SDT's request the production of correspondence, emails, analyses charts, graphs, progress reports, opinion, conference, voicemail, text messages or any other type of communication which "relate to" Student or his parents regarding placement and services.

Student has not filed a response to the reconsideration motion.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

District alleges no new facts, circumstances, or law in support of the request. In fact, the documents requested in the SDT's do not pertain to the issue of residency, which is the sole issue to be heard in the bifurcated hearing. District is free to issue new SDT's seeking information as to Student's residency should it so desire.

Accordingly, District's motion for reconsideration is Denied.

IT IS SO ORDERED.

DATE: October 8, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings